

**Remarks/Arguments:**

This is a reply to the office action of July 24.

**Claim Rejections – 35 USC 112**

The Examiner is alleging that claims 6, 7 and 9 are indefinite, in failing particularly to point out and distinctively claim the subject-matter which the applicant regards as the invention.

As regards claim 6, the Examiner is alleging that there is insufficient antecedent basis for the limitation “the detection means” as recited in claim 6 (line 7). It is submitted that this is not the case. Claim 6 (line 6) recites the detection of the imprint of the postal indicium “...using detection means”. It is submitted that this prior recitation provides adequate antecedent basis.

As regards claim 7, it is understood that the objection to claim 7 follows the objection to claim 6, and that this objection is overcome by identifying sufficient antecedent basis in claim 6.

As regards claim 9, the Examiner has objected to the use of the term “operatively” in claim 9. In response to this objection, claim 9 is being amended to omit this term. Claim 9, as amended, recites that the second sensor, as a reset sensor, is linked to a counter. It is submitted that this amended recitation is entirely clear.

## Claim Rejections – 35 USC 103

### Claims 3 to 6 and 8

The Examiner is alleging that the subject-matter of claims 3 to 6 and 8 is unpatentable over Gawler (US-5683190) in view of Oppedahl (US-7069247). This rejection is traversed.

Claims 3, 6 and 8, as the independent claims, require inter alia the detection/sensing of a sequence of transitions between areas of light and dark reflectance within a band on a fed mail piece, and the generation of an indication of a presence of an imprint of a postal indicium on the fed mail piece in response to detection of a transition succeeding a predetermined number of initial transitions at a start of the sequence of transitions.

The Examiner has cited Gawler as disclosing a method and apparatus which utilizes a feed bed (11) along which mail items (20) are fed, and a sensor (35) for sensing the leading edge of a mail item (20) at a predetermined position.

The Examiner has acknowledged that Gawler fails to disclose or suggest the detection/sensing of a sequence of transitions between areas of light and dark reflectance within a band on a fed mail piece, or the generation of an indication of a presence of an imprint of a postal indicium on the fed mail piece in response to detection of a transition succeeding a predetermined number of initial transitions at a start of the sequence of transitions, in the manner as required by claims 3, 6 and 8.

In this regard, the Examiner has cited Oppedahl, which discloses a bar code reader (23) for reading a bar-coded postal indicium (22) on a mail piece (21). As noted by the Examiner, the bar code reader (23) is disclosed as comprising a linear array which

detects light and dark areas as the mail piece (21) passes perpendicular to the array [column 3, lines 48 to 51].

The Examiner is alleging that the skilled person would have been motivated to modify the method and apparatus of Gawler to incorporate the bar code reader (23) of Oppedahl in place of the sensor (35) of Gawler, with the motivation being to effectively verify mail pieces.

This is not the case. The skilled person would not have contemplated applying the teaching of Oppedahl to Gawler.

Gawler is directed to a franking apparatus for printing postal indicia onto mail items (20) [Abstract, lines 1 to 4], whereas Oppedahl is directed to an authentication system for authenticating mail pieces (21) bearing bar-coded postal indicia (22) [Abstract, lines 1 and 2].

The skilled person would have had absolutely no motivation to contemplate the use of the bar code reader (23) of Oppedahl, which reads bar-coded postal indicia (22), in a franking apparatus of the kind of Gawler, the purpose of which is to print postal indicia onto mail pieces (20).

The Examiner has specifically proposed replacing the sensor (35) of Gawler with the bar code reader (23) of Oppedahl, and yet, at the position of the sensor (35) in Gawler, no postal indicia yet exists on the mail item (20). In Gawler, postal indicia are applied to mail items (20) only downstream of the print head (26). As such, the provision of the bar code reader (23) of Oppedahl at the position of the sensor (35) of Gawler would have no function whatsoever.

Accordingly, it is submitted that the subject-matter of claims 3, 6 and 8 is patentably distinguished over the disclosures of Gawler and Oppedahl.

As regards the dependent claims (claims 4 and 5), it is submitted that these claims are dependent upon an allowable independent claim (claim 3), and, as such, are themselves allowable.

Claims 7 and 9

The Examiner is alleging that the subject-matter of claims 7 and 9 is unpatentable over Gawler in view of Oppedahl and further in view of Lee (US-5907833).

Claims 7 and 9 depend from allowable independent claims (claims 6 and 8), and, as such, are deemed allowable as well.

Respectfully submitted,

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